SUBJECT No. 27.

Enhanced rate of *batta* to witnesses attending Civil Courts.

Mr. A. Narayana Iyengar, Hassan Taluk.

Mr. Narayana Iyengar.—The *batta* that is now being paid to witnesses attending Civil Courts is quite inadequate owing to the high prices of food grains and cart hire. They have to pay 6 annas for a meal while they get only 4 annas a day as *batta*. The last class of 4 annas per diem may be abolished and the remaining three classes namely annas 8, Rs. 1, and Rs. 2 may be continued.

Dewan.—A recommendation has been made by the Chief Court and it is under the consideration of Government.

SUBJECT No. 28.

Printing of records in appeal cases.

Messrs. A. Srikantappa, Dodballapur Municipality and Devasettappa, Dodballapur Taluk.

Mr. Srikantappa.—In appeal cases before the Chief Court, the entire records were usually being printed only in cases where the subject matter of the suit was more than Rs. 300. Recently, an order has been passed to the effect that, in all cases where the subject matter of the suit is more than Rs. 100, the entire records are to be printed and where it is less than Rs. 100, they should be typed. As this order operates as a great hardship and is otherwise expensive to the people, it is prayed that this order may be cancelled and the previous practice revived.

Justice Mr. K. S. Chandrasekhara Aiyar.—No such order has been issued. As it is found absolutely necessary for each Judge of the Chief Court to have a copy of the complete records when arguments are addressed by Counsel, it has been ordered as a tentative measure that in every appeal there shall be a paper book either printed or typed. In all appeals in which the records are bulky and contain more than 50 pages of manuscript matter, the paper books are printed, and in other cases, they are typed. The charges are very low and the additional expenditure incurred is trifling when regard is had to the facilities and conveniences secured to the Judges, Counsel and parties and the quickness with which papers can be disposed of. When records are less than 50 pages, they are required to be typed. Each page may cost about eight annas and the total cost may come to about Rs. 25 for which six copies can be had. Our charges are very low as compared with those in British Indian High Courts. The new arrangement has come into force only in February. We shall wait and see how the new system works.

Mr. Subbaraya Chetty.—Revenue records are not printed even when they go before His Highness, but if records come to the Chief Court, they will have to be translated and printed. In Mysore and Shimoga Divisions, there are no printing charges. The printing

charges in the Bangalore Division are very high. In one or two instances, cases have been withdrawn because the parties had no money for printing charges. In one case, the court fees and printing charges came up to Rs. 300, the court fees amounting to only Rs. 21. In another case, the man became a pauper by having had to mortgage his property to pay the printing charges. I do not understand why, when there are no printing charges to be incurred in Mysore and Shimoga Divisions, there should be such charges in the Bangalore Division.

As regards translation, we have mostly local people on the Chief Court Bench who are expected to know the vernacular of the State. It is one of their duties to send for the original records and study them. It is not known why they should expect a translation to be made. Kannada is the language of the country and there is no reason why Kannada records should be translated, the charges being borne by the parties. There is no justice in this. Either Government must bear the charges or the system of translation should be discontinued.

Justice Mr. K. S. Chandrasekhara Aiyar.—There seems to be some misapprehension as regards translation. Translation work is, as far as possible, done free of charge. It is only when the documents are numerous, and when the work of translation is too much for our staff, and work has to be got done by outside agency, that payment has to be made. If Government undertake to pay the charges, the Chief Court will have no objection.

SUBJECT No. 29.

Transfer of the administrative control of Special Magistrates' Courts to the Chief Court.

Mr. Belur Srinivasa Iyengar, Bangalore Law Association.

Mr. B. Srinivasa Iyengar.—The scheme of separation of judicial and executive functions has been brought into force in four districts. The pay of Second Grade Magistrates and Munsiffs is between Rs. 200 and 400 and that of First Class Magistrates and Sub-Judges Rs. 500 to 600 and a Sub-Judge may become a First Grade Magistrate and a Munsiff may become a Second Grade Magistrate. The judgments, calendars and offices of Munsiffs, Sub-Judges and District Judges are examined by the Chief Court. It is very necessary that the work of Special Magistrates should also be similarly examined by the Chief Court. For this purpose, the administrative control over such Courts should be transferred to the Chief Court. The question of appointment of such Magistrates may continue with the Government but the administrative control should be in the Chief Court.

Offg. Second Member of Council.—The Chief Court have even now got the power to inspect such Special Magistrates' Courts.